S.B. CIVIL MISC. APPLICATION NO.31/2006

G.P.D. Vyas Vs. The State of Raj. & Ors.

Date : 8.9.2006

HON'BLE MR. JUSTICE RAJESH BALIA

Mr. M.S. Singhvi for the applicant.
Mr. Sandeep Shah for the respondents.

This application has been filed for recalling the order passed by this Court on 16th Dec., 2005 deciding the S.B. Civil Writ Petition No.1838/1991 inter alia on the ground that the applicant G.P.D. Vyas was impleaded as party respondent No.5 and was one of the directly affected parties by the result of the writ petition. The writ petition has been decided without effecting the service on the respondent No.5, the present applicant and, therefore, the aforesaid decision in S.B. Civil No.1838/1991 affecting the rights of the applicant has been rendered without affording any opportunity of hearing.

The non-services of the notices of the writ petition on the respondent No.5, the present applicant is

verified from the record of the writ petition and also not disputed by the learned counsel for the petitioner.

In that view of the matter, the application moved by the present applicant deserves to be allowed as the order against him has been passed without notice to him.

Accordingly, the application is allowed. The judgment dated 16th Dec., 2005 rendered in S.B. Civil Writ Petition No.1838/1991 is recalled. The matter may now be listed for hearing. Now no notice is required to be served on the respondent No.5 as he is represented by his counsel. A copy of the writ petition and the paper book, if not served on the present applicant, respondent No.5, shall be furnished to him by the learned counsel for the petitioner in the writ petition.

[RAJESH BALIA], J.

babulal/